

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 20-1442V

UNPUBLISHED

DOMINIQUE ROBERTS,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: January 19, 2022

Special Processing Unit (SPU);
Damages decision Based on Proffer;
Table Injury; Human Papillomavirus
(HPV); Shoulder Injury Related to
Vaccine Administration (SIRVA).

Jessica Olins, Maglio Christopher & Toale, PA, Washington, DC, for Petitioner.

Claudia Barnes Gangi, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION ON DAMAGES¹

On October 22, 2020, Dominique Roberts filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleged that she experienced a shoulder injury related to vaccine administration (“SIRVA”) as a result of the administration of a human papillomavirus (“HPV”) vaccine on January 19, 2018. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On January 18, 2022, Respondent filed a combined Rule 4(c) Report and Proffer in which he conceded that Petitioner was entitled to compensation for her SIRVA. Rule 4(c) Report and Proffer at 1, 3-4. The following day, I issued a Ruling on Entitlement. ECF No. 21.

¹ Because this unpublished Decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

Respondent represents that Petitioner agrees to his proffer on an award of compensation. Rule 4(c) Report and Proffer at 4. Based on the record as a whole, I find that Petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the combined Rule 4(c) Report and Proffer,³ I **award Petitioner a lump sum payment of \$130,862.58 (representing \$130,000.00 for pain and suffering and \$862.58 for past lost earnings) in the form of a check payable to Petitioner.** This amount represents compensation for all damages that would be available under Section 15(a).

The Clerk of the Court is directed to enter judgment in accordance with this decision.⁴

IT IS SO ORDERED.

s/Brian H. Corcoran
Brian H. Corcoran
Chief Special Master

³ Because the combined Rule 4(c) Report and Proffer contains information regarding Petitioner's personal medical history, which is not generally included in a Proffer, when separately filed, I will not attach the Proffer to the decision in this case.

⁴ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.